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Sincerely,

Ralph D. Nurnberger
Senior Partner

STONEWALLING ON REFUGEE RIGHTS:



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ALGERIA AND THE SAHRAWI

— October 2009 —



U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS

STONEWALLING ON REFUGEE RIGHTS: ALGERIA AND THE SAHRAWI

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Cover Photo: This inhospitable part of the Sahara, known as “The Devil’s Garden,” offers the refugees no place to hide from frequent sandstorms and scorching temperatures, which can get above 120 degrees Fahrenheit in the summer. *Credit: UNHCR*

This paper was written by Merrill Smith, Director of Government Relations and International Advocacy, based on his July 2009 site visit to Algeria, Morocco, and the Tindouf refugee camps, as well as his extensive research over many years. This report was produced by Koula Papanicolas, USCRI’s Design and Production Manager.



Credit: UNHCR/A. Hollman

INTRODUCTION AND EXECUTIVE SUMMARY

The U.S. Committee for Refugees and Immigrants' (USCRI) Director of Government Relations and International Advocacy visited the region in July 2009 in order to evaluate the situation of Sahrawi refugees from the Western Sahara in Algeria. Visits included Dakhla and Laâyoune in the Western Sahara to interview returnees from the Algerian camps near Tindouf; Algiers to speak with Algerian Government officials; and the Tindouf camps themselves.

Algeria fails to live up to its commitments under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol with respect to the Sahrawi refugees from the Western Sahara. Perhaps worse, it fails even to acknowledge its responsibility for their treatment on its territory, pretending they are actually under the jurisdiction of a state-in-exile, the "Sahrawi Arab Democratic Republic" (SADR).

While many Sahrawi travel abroad and within Algeria (beyond the border town of Tindouf) on occasion, this generally requires documented permission from both the Government of Algeria and the Polisario rebel movement. The criteria and procedures for issu-

ance of such documentation are not publicly available nor is either government willing to reveal them. Interviews with refugees inside and outside the camps reveal the process to be cumbersome and onerous and the criteria arbitrary and restrictive. Refugees can travel to Mauritania with only their Polisario identity cards but not if they declare or give rise to suspicion that they intend to continue on to the Moroccan-occupied Western Sahara. Algeria also restricts the five-day family visits organized by the Office of the UN High Commissioner for Refugees (UNHCR) to expensive and difficult to arrange air rather than land routes, resulting in a 21-year backlog. Even if refugees could travel freely throughout Algeria and reside wherever they chose, Algerian law makes it virtually impossible for them to obtain permits to work legally.

The Polisario Ministry of Justice, operating on Algerian territory, prosecutes and imprisons women who become pregnant out of wedlock for the crime of adultery, although there were none in detention at the time of USCRI's visit. The Minister of Justice orally affirmed that, as a matter of policy, the SADR would hold no woman beyond the period of imprisonment ordered by a judge, whether for her own protection

or otherwise, but would not commit to this in writing. The Ministry of Justice had responded favorably to Human Rights Watch's criticism of the size of the solitary confinement cells in its main prison, but USCRI found several prisoners in the prison who had not had trials, the longest for seven months. Also, officials declared that they were holding some prisoners on charges of "homosexuality" even as they alleged facts that would more fittingly describe rape.

Although the World Food Programme (WFP) alone provides rations for more than 125,000 refugees, it is not likely that there are even 90,000 in the camps. Algeria and the Polisario both refuse to allow a census to count and register the refugee population, furthering suspicion that its agents are diverting, smuggling, and reselling substantial amounts of international humanitarian aid. An interview with one returned refugee involved in the process corroborates this suspicion.

Although it does not grant them formal refugee status, Algeria does appear to be honoring de facto its commitments under the 1951 Convention with respect to the 4,000 to 6,000 Palestinian refugees on its territory, some of whom had been there since the early 1960s. There are no restrictions on their movement or economic activity and many appear to be thriving without international humanitarian aid. There is no evidence or reports of any poverty or

dependence among this population distinct from that of nationals. There would appear no legitimate reason why the Government of Algeria cannot offer Sahrawi refugees the same treatment. International donors ought to insist that it do so.



Sahrawi refugees subsist on mostly rice, lentils, and bread and many suffer from chronic malnutrition. As a result, nearly half of the children under five have diarrhea and report difficulties breathing. Credit: UNHCR/A. Hallman

BRIEF HISTORY OF SITUATION OF REFUGEES FROM WESTERN SAHARA

Spain withdrew from the Spanish Sahara, ceding half of it to Morocco and the other half to Mauritania. An indigenous independence movement, the Polisario, founded in 1973,¹ expelled the Mauritania but then Morocco caused the Polisario to flee along with thousands of refugees to camps near Tindouf. In 1976, the Polisario declared the formation of the Sahrawi Arab Democratic Republic. The camps are located in a part of the Sahara known as "The Devil's Garden" subject to summer temperatures over 50°C, frequent sand storms, and little or no vegetation. Prospects for livelihoods are virtually non-existent and the refugees are almost completely dependent upon international aid.²

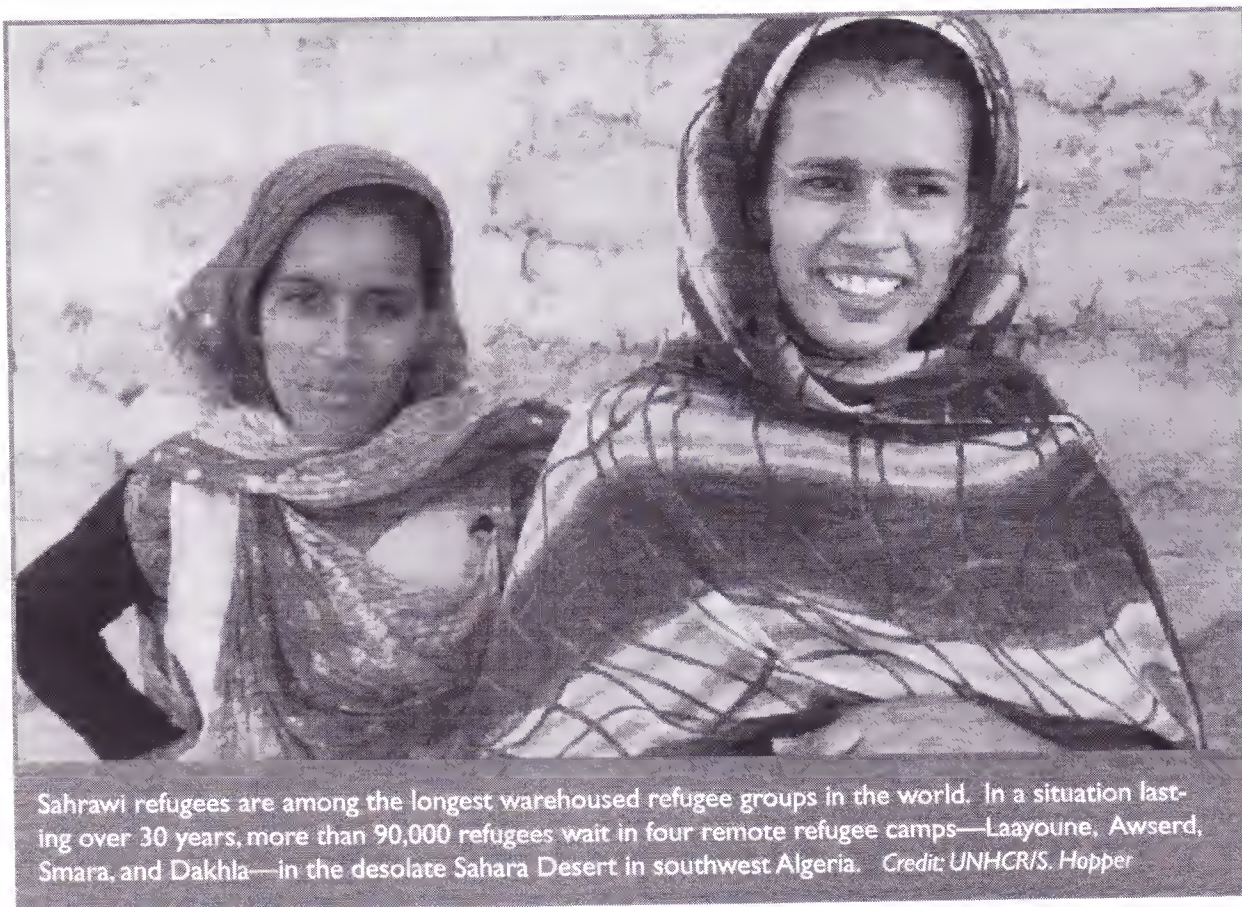
ALGERIA DENIES RESPONSIBILITY FOR REFUGEES IN "SAHRAWI ARAB DEMOCRATIC REPUBLIC"

Algeria is party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969

Convention governing the Specific Aspects of Refugee Problems in Africa, all without reservation.³

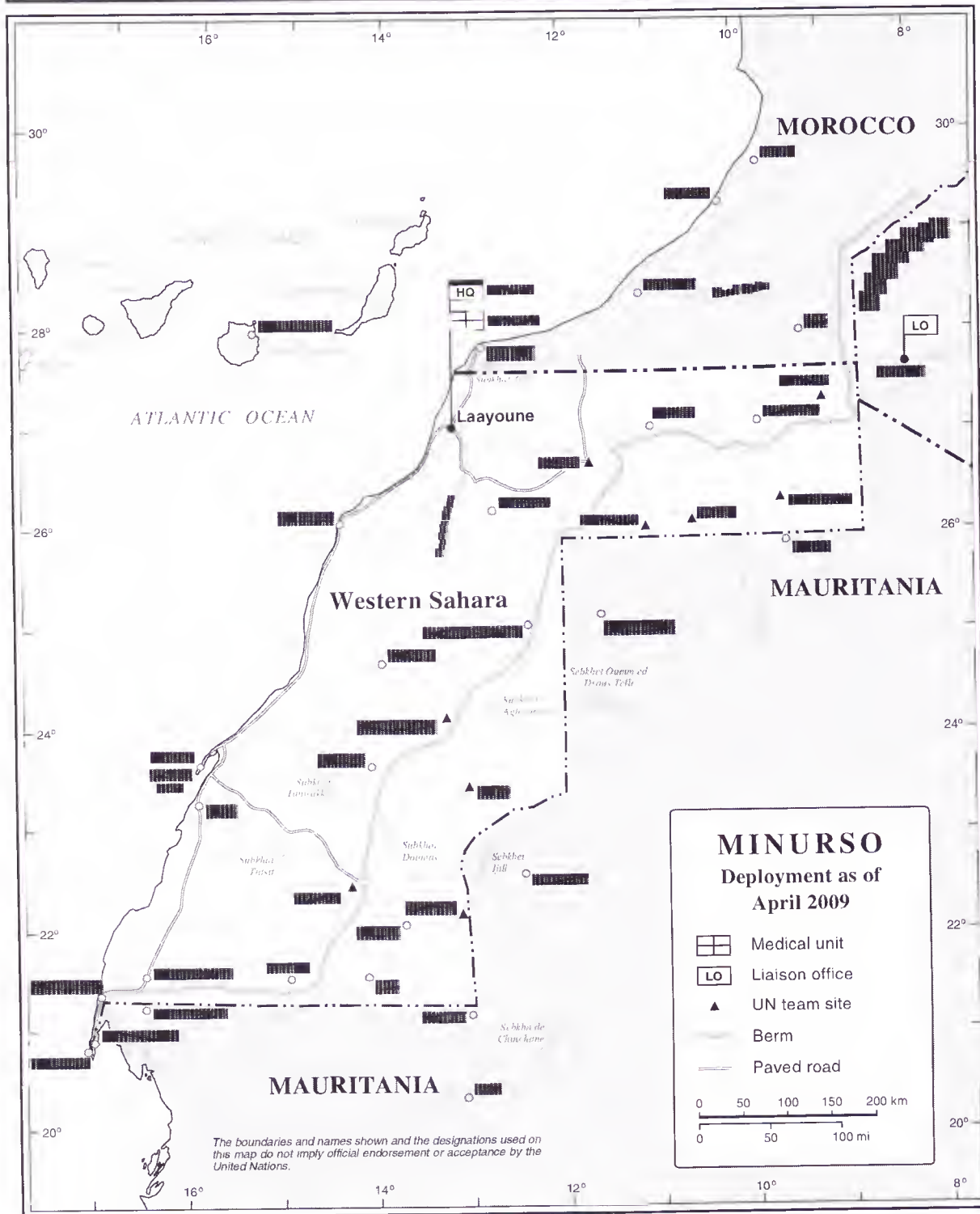
In 2006, Algerian authorities told a UN delegation that responsibility for human rights and related matters in the camps around Tindouf lay with the "Sahrawi Arab Democratic Republic," Polisario's government-in-exile which administers the camps in the far western corner of Algeria, outside Tindouf.⁴

USCRI made repeated attempts to meet with and interview relevant Algerian officials including Lazhar Soualem, Director of Human Rights, Social Development, and International Cultural, Scientific, and Technical Affairs, Ministry of Foreign Affairs; Ahmed Saadi, Deputy Director for Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs; and Fallah Medjoub, Minister Plenipotentiary, Algerian Office for Refugees and Stateless Persons (BAPRA). USCRI had approached Mr. Soualem initially during the previous meeting of UNHCR's Standing Committee and told him of its coming visit, whereupon he expressed willingness to meet in Algiers and exchanged contact information. He even offered some views then on the Palestinian refugees, including his opinion that there

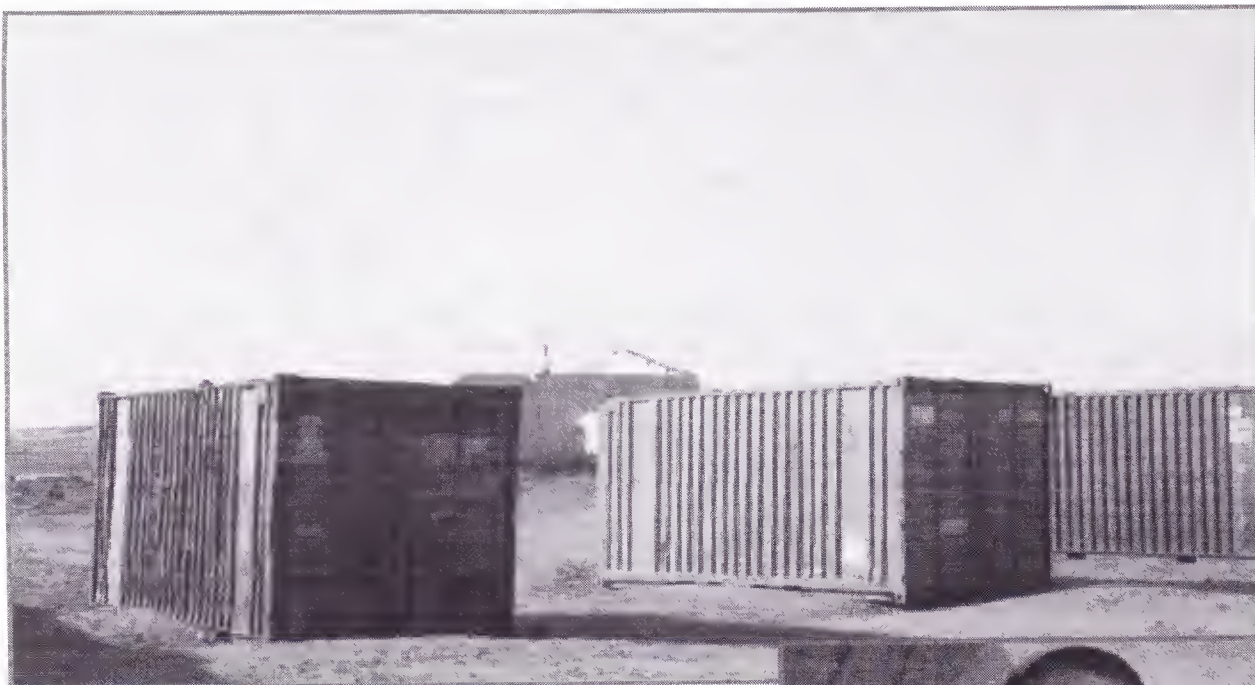


Sahrawi refugees are among the longest warehoused refugee groups in the world. In a situation lasting over 30 years, more than 90,000 refugees wait in four remote refugee camps—Laayoune, Awserd, Smara, and Dakhla—in the desolate Sahara Desert in southwest Algeria. Credit: UNHCR/S. Hopper

MAP OF WESTERN SAHARA

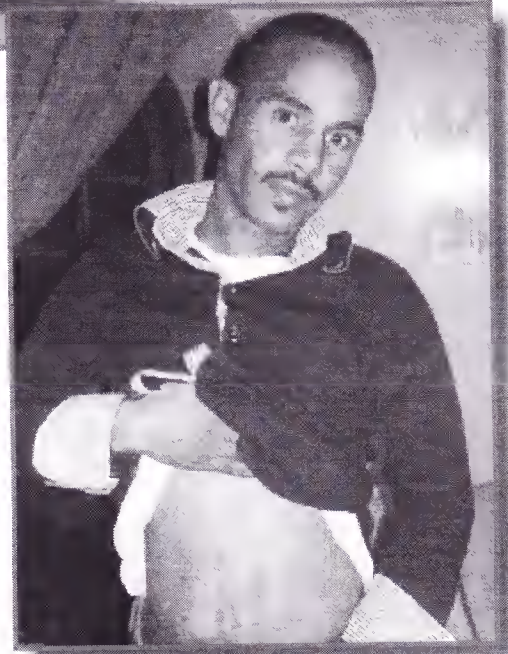


Source: UN Security Council, "Report of the Secretary-General on the situation concerning Western Sahara," April 13, 2009, S/2009/2000



Mr. Aboh Sghair spent close to three months chained inside a food container like the ones shown above. He was jailed after the Polisario caught him and his wife as they were heading for the Berm.
Credit: USCRI/M. Smith

were none left in the country as they had all returned to the Israeli-occupied territories and various countries of first asylum. Nevertheless, despite repeated emails, telephone messages, and personal visits to their offices over a period of several weeks, none of these officials would meet with USCRI to discuss the Sahrawi or even respond to the requests. For further information, see Appendix B: USCRI's August 5, 2009 Letter to Chief Algerian Official for Refugees, Lazhar Soualem, to which USCRI has received no reply.



FREEDOM OF MOVEMENT

The Polisario and/or Algerian military maintain checkpoints at roadways leading to, from, and in between the camps and Algerian police operate checkpoints throughout the country. The Polisario alone, however, staffs the main border post between Algeria and Mauritania.

In 2006, *Revista Futuro Saharaui*, an independent newsletter published in the camps reported the results of a survey of 540 camp residents between the ages of 17 and 35:⁵

almost nine out of ten desire a visa to a foreign country to be able to emigrate. ... "It is really a stupid waste of time to ask such a question to any young Saharawi, who has suffered from marginalisation, because a visa is our only dream left ..." is the answer from "Said", one of the young men living in the Algerian refugee camps...

The survey included all layers of the Saharawi refugee society: intellectuals, students, pupils, civil servants of the exiled Western Sahara gov-

ernment, workers, unemployed and even businessmen and employers. The desire to migrate was strong in all groups.

In a follow-up question, those desiring a visa were also asked why they wanted to migrate. Reasons given were ample, sometimes demonstrating a wide discontent with the situation in the camps. ...

No state official however wanted to comment on this issue before printing deadline.

Salek Saluh, the 'Futuro Saharai' reporter who conducted the survey, says ... "those of us with education do not understand - or actually nobody understands - how we can be given less opportunities than those belonging to the lineage of the so-called 'patriots' and their relatives," Mr Saluh adds, referring to advantages given to family members of the ruling Polisario movement.

Sahrawi refugees can travel to and enter neighboring Mauritania with nothing more than their Polisario identity cards. Nevertheless, every refugee USCRI spoke to that had returned to the Western Sahara declared that they could not have done so had they let the Polisario know or even suspect that they intended to continue on from Mauritania around to the Moroccan-held territory or they would stop them. Every one left family members or substantial assets (including a herd of camels, in one case) behind in order to allay any such suspicion.⁶

CONFIDENCE BUILDING MEASURES

Since 2004, a limited number of refugees have been able to visit relatives in the territory for five-day periods through the UNHCR's Confidence Building Measures program which organizes more or less weekly flights of some 30 or so beneficiaries from either side. In the program's first five years, about 8,600 persons benefited but eligibility criteria are stringent, as UNHCR must match family identities and willingness to participate on both sides. Both the Government of Morocco and the Polisario must also approve the passenger lists and, in the first registration application opportunity which took place in 2004, the Polisario reportedly refused to allow entire families to participate together in order to deter defections. UNHCR declares that this did not

occur in the second and last registration which closed January 2008 but declines to comment publically on the first registration and some 4-5 individuals did indeed refuse to return to the camps in the first seven months of 2009. The registration is no longer open and more than 41,000 remain in the queue. At present rates, it would take more than 21 years for all of them to participate although UNHCR could remove some from the list should they or their relatives die in the meantime.

The most severe limitation on the program is Algeria's refusal to allow the exchanges overland. Instead, UNHCR must rely upon the single, aging Antonov plane the UN's MINURSO forces can spare, when they can spare it, at an average cost of over \$900 per person, per flight for the 300-mile journey. As of July, Algerian customs had also refused to release some four vehicles needed by program staff in the camps for nearly a year.

RETURN TO WESTERN SAHARA THROUGH BERM

It is also possible, although dangerous, to enter the Moroccan-held portion of the territory from the Polisario held portion through the "Berm," a nearly 1,000-mile construction of fortifications and earthworks Morocco built in 1986, separating a narrow eastern strip of about 15% of the territory from the rest, and two returned refugees with whom USCRI spoke had done so. One obvious danger is the presence of thousands of landmines and unexploded ordinance in the area and the need to alert Moroccan soldiers guarding the Berm and convince them that one's intentions are not hostile. Nevertheless, one refugee with the help of an experienced human smuggler did manage to overcome these dangers. The other danger is that the Polisario will stop and catch them. Unlike travel to Mauritania, approaching the Berm leaves no plausible explanation except an attempt to return to the Moroccan-held side.

That is the predicament that Aboh Sghair (b. 1983, Smara camp) and his wife encountered in May 2008, as they related to USCRI. According to Mr. Sghair, the Polisario stopped them outside the town of Tifariti in the Polisario-held portion heading for the Berm. After asking for their papers, the Polisario took them back to Rabouni, in Algeria, and separated them, jailing his wife for 15 days and him for three months and confiscating their truck. As Mr. Sghair related:



The unexploded shell was found near the Berm, a sand wall built to separate Moroccan-controlled land from the Polisario-run section of the territory. The minefield along the Berm endangers the lives of Sahrawi refugees and prevents freedom of movement throughout Western Sahara. Credit: USCRI/M. Smith

The place where they held me was not a regular jail for people but a container like those in which they ship food from Spain. They kept me alone. There were chains on my feet and a third chain leading outside of the container. Although the container was about five and a half meters long, I only had about one meter in which to move. I could not stand up. They only gave me one liter of water per day. I had no toilet facilities. They gave me lentils twice a day, once around 9 am and again around 8 pm. I became sick and thin after about one month. In the second month, my stomach began to swell and then burst. After two days, I lost consciousness. They took me to the hospital in Tindouf where I spent five days.

Members of my family came to visit me and bribed the staff to get me out of there and to the hospital in Rabouni where I underwent surgery to remove the burst appendix from 6 pm to mid-

night. The Cuban doctor in Rabouni, transferred me back to Tindouf around 1 am with my stomach still open because they could not remove everything they needed to. Lahrach, the Algerian doctor at Tindouf did not want to re-admit me, however, until the surgeon from Rabouni came so they sent a car and he arrived around 5 am. They inserted tubes in my nose, I vomited, and enough dark matter came out to fill a bottle. I then spent 15 days in the intensive care unit of the Tindouf hospital.

After release, I spent about a month in the camps before contacting a driver to take us to Mauritania when I recovered.

They kept my wife for 15 days in the women's detention facility. A Spanish-speaking American NGO worker came to visit one day and they took me out of the container and put me in the

regular building. I think Christina knew they were holding me in the container and asked to speak with me in private but the jailer, Sloiliki Nin, was there and threatened me so I dared not speak about it.

TRAVEL AND RESIDENCE IN ALGERIA

Although refugees reportedly can go to the nearby garrison town of Tindouf with nothing more than their Polisario-issued identity cards, to travel elsewhere in Algeria requires a permit called an *ordre de mission* bearing the stamps of both Algerian and Polisario authorities. Although the Embassy of the Sahrawi Arab Democratic Republic in Algiers denied this, refugees inside and outside the camps affirmed it. USCRI repeatedly requested that Polisario and Algerian authorities identify the legal authority for this requirement and describe the procedures for applying for and the criteria for issuing such documents. Neither have done so.

Nevertheless, USCRI learned that to apply for such a pass refugees must have their camp leader write a letter to the Polisario Ministry of Interior in Rabouni which, in turn sends a request to the Polisario office in Tindouf, which prepares the document and obtains the Algerian stamp. Applicants must have an approved reason, such as enrolment in school or professional training. Seeking employment is reportedly not among the approved reasons for travel. One refugee reported that her aunt applied for a permit to travel to Algiers for specialized medical treatment but the Polisario denied her the permit because she had initially gone to a private doctor rather than a Polisario doctor for the referral. After she then went to a Polisario doctor, authorities approved her request in January 2009. Authorities issue some permits collectively in the form of lists of names, for example to secondary students studying in Algerian schools. The permits affirm not only a specified destination but also a purpose as specific as, in one case, to attend teachers' college. One student reported that s/he required a new permit each time s/he returned to the camp from studies even for holidays.

The Polisario Minister of Interior initially and repeatedly denied the existence of any requirement for advance permission or any additional documentation for travel within Algeria. Upon USCRI's presentation of extensive evidence to the contrary from numerous sources, he finally produced a copy of the form the Ministry uses to transmit requests to the Polisario office in Tindouf and the Algerian authorities joint approval (attached as Appendix A). When USCRI sought

to visit the Polisario offices in Tindouf to obtain copies of an *ordre* and any information on the procedures and criteria for their issuance, the Polisario and the Government of Algeria refused permission, even though they had allowed USCRI to visit Tindouf days earlier.

USCRI sent a follow-up letter to Minister Sidi requesting the same but he replied that he had nothing further to add. USCRI's August 5, 2009 letter to Lazhar Soualem, Director of Human Rights, Development, and International, Cultural, Scientific, and Technical Affairs of Algeria's Ministry of Foreign Affairs (attached as Appendix B) also requesting this received no reply.

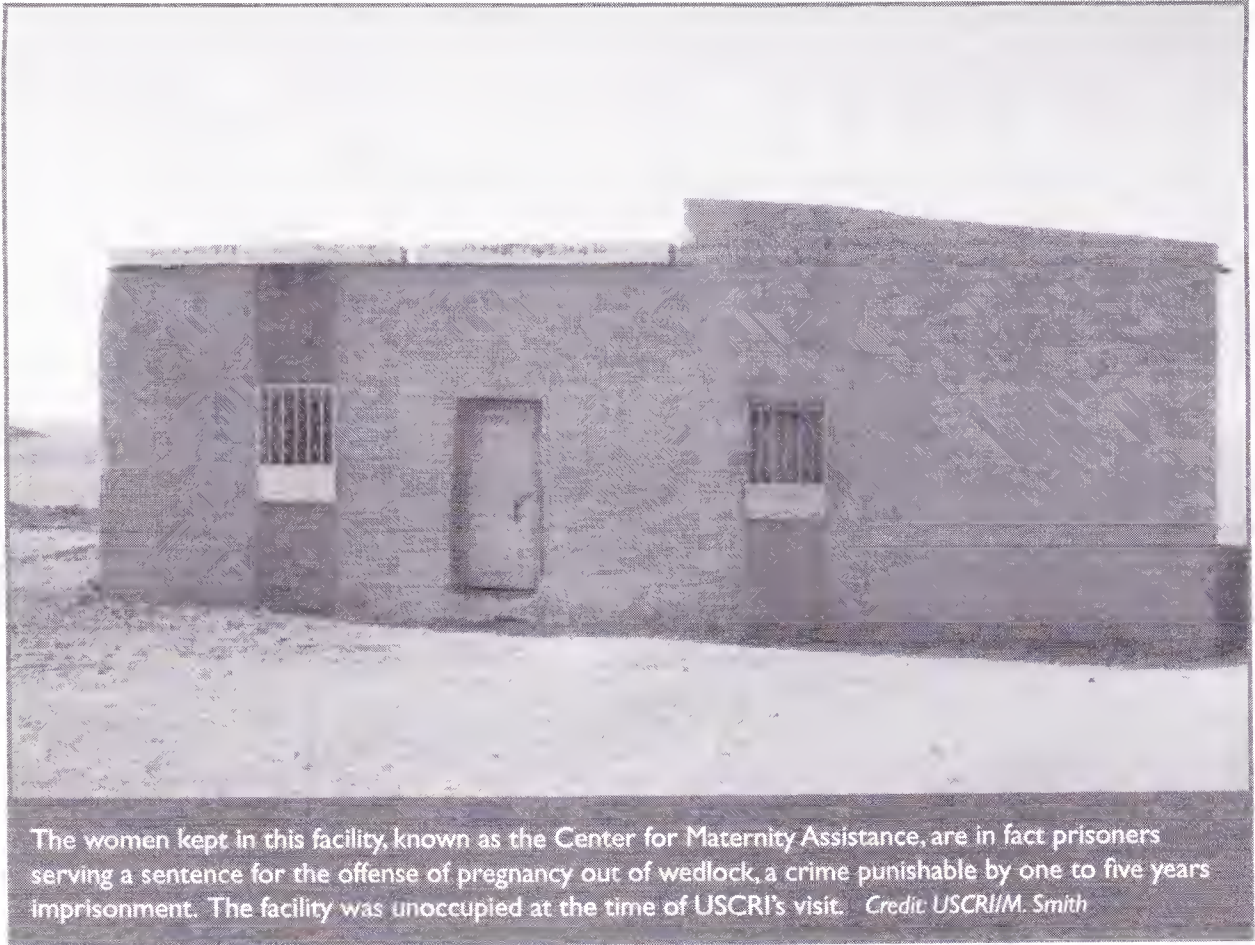
EMPLOYMENT

Even if Sahrawi refugees receive permission to leave the camps, it is virtually impossible for them or any other refugee (other than Palestinians, see below) to work legally in Algeria.

Although Algerian law provides for authorities to issue residence permits and employment authorization valid for three years' to recognized refugees, authorities do not formally recognize any refugees, and de facto refugees therefore have no more rights than foreigners generally. The 1981 Employment of Foreign Workers Law and the 1983 Order of the Ministry of Labor allows only single-employer work permits and then only for jobs for which no nationals, even those residing abroad, are qualified.⁷ Employers have to file justifications consistent with the opinions of workers' representatives.⁸ Permits are valid for no more than two years and renewal requires repetition of the entire procedure.⁹ Employees cannot change employers until they complete their contracts and then only in exceptional circumstances after consultation with the previous employer.¹⁰ Violators are subject to fines and/or imprisonment from ten days to a month.¹¹

The 1990 Labor Law reiterates the same national labor protection requirements, without exception for refugees.¹² A 2005 Decree establishes regional labor inspection offices to enforce laws regulating the employment of foreigners and to take action "against all forms of illegal work."¹³

Sahrawi refugees can work in informal businesses in the remote southwest garrison town of Tindouf, near the camps. They cannot, however, own property. If caught driving cars registered outside the camps, they are subject to imprisonment by the Algerian authorities as are Algerians driving cars registered in the camps.



DETENTION OF UNWED MOTHERS FOR "ADULTERY," RAPISTS FOR "HOMOSEXUALITY," AND OTHERS WITHOUT TRIAL

Polisario authorities maintain their own police, judiciary, and detention facilities and apply their own penal code with the acquiescence of the Government of Algeria. They detain refugees in at least two jails, Abderahmane prison for men, just outside of the Polisario's Rabouni headquarters and another for women, and a juvenile detention facility. There is also a detention center beyond Smara camp that the Polisario refers to as "the Center for Maternity Assistance" for women pregnant out of wedlock. The Polisario acknowledges three to five cases per year and interprets them legally as "adultery," a crime punishable by one to five years imprisonment under its penal code. The Polisario told USCRI that there were none in detention at the time of its visit but did not allow USCRI to go to the facility without one day's advance notice.

Minister of Justice Selma did however orally commit to the principle that authorities should not, did not, and, as a matter of policy, would not hold women convicted of such charges for any period of time beyond that which a judge may prescribe as punishment for the offence. This as an issue of contention in several letter exchanges with Human Rights Watch published in their December 2008 report wherein the Polisario repeatedly evaded any such unequivocal commitment.¹⁴ Nevertheless, Minister Selma declined to put his commitment to such a policy in writing, despite USCRI's repeated requests.

Indeed, the minister found the question irritating and took the occasion to launch into a tirade against Moroccan occupation of the Western Sahara suggesting that any shortcomings of the Polisario's administration of justice were because it Morocco denied its rightful sovereignty over the territory. This was a fairly typical, if tiresome response repeated by almost all Polisario officials in response to the least implied

criticism. Minister Selma took it a bit further than most however, suggesting that lack of independence might even cause rape as it deprived men of livelihoods and, therefore, the opportunity to marry.

When USCRI visited the Abderrahmane prison authorities had substantially increased, in fact, generally doubled the size of the individual solitary confinement cells—generally by knocking out the walls between them—from the time of the visit of Human Rights Watch in November 2007 and in response to their observations and recommendations.¹⁵ Although the Minister of Justice and the Procurator General assured USCRI that authorities had duly convicted all 22 inmates at that time for common crimes, five reported that they had not yet had trials. Two reported that authorities had held them for eight days without trial, two for two months, and one for seven months. The three reporting longer periods of detention without trial gave their names and permission to raise their cases with the authorities. After USCRI apprised him of this, the Procurator-General insisted that there were only three persons held without trial. He also said that they were soldiers and referred to their charges as “homosexuality.” He described the acts for which authorities arrested them as involving coercion and assault normally associated with rape. Nevertheless, when USCRI asked to clarify whether this was what he meant, he repeated that the charge was “homosexuality.” USCRI also raised the matter with the Minister of Justice. The Ministry acknowledged receipt of the letter by a September 3 email and offered a reply but had not done so by the time this report went to press.

The “Center for Maternity Assistance,” under the administration of the Polisario Ministry of Justice was unoccupied at the time of USCRI’s visit.

REGISTRATION, POLITICS, AND AID DIVERSION

Estimates of the total population of the camps range from fewer than 90,000 to more than 165,000, with the 90,000 figure based on European Union satellite imagery commanding the widest respect. Although the size of the population was of immense significance when prospects for a referendum on the fate of the territory appeared active, such prospects have been dormant, if not moribund, for years. The Polisario, however, represents refugees’ continued presence in the camp as gestures of resistance and implicit political support for its position. This alone makes estimates of the refugee

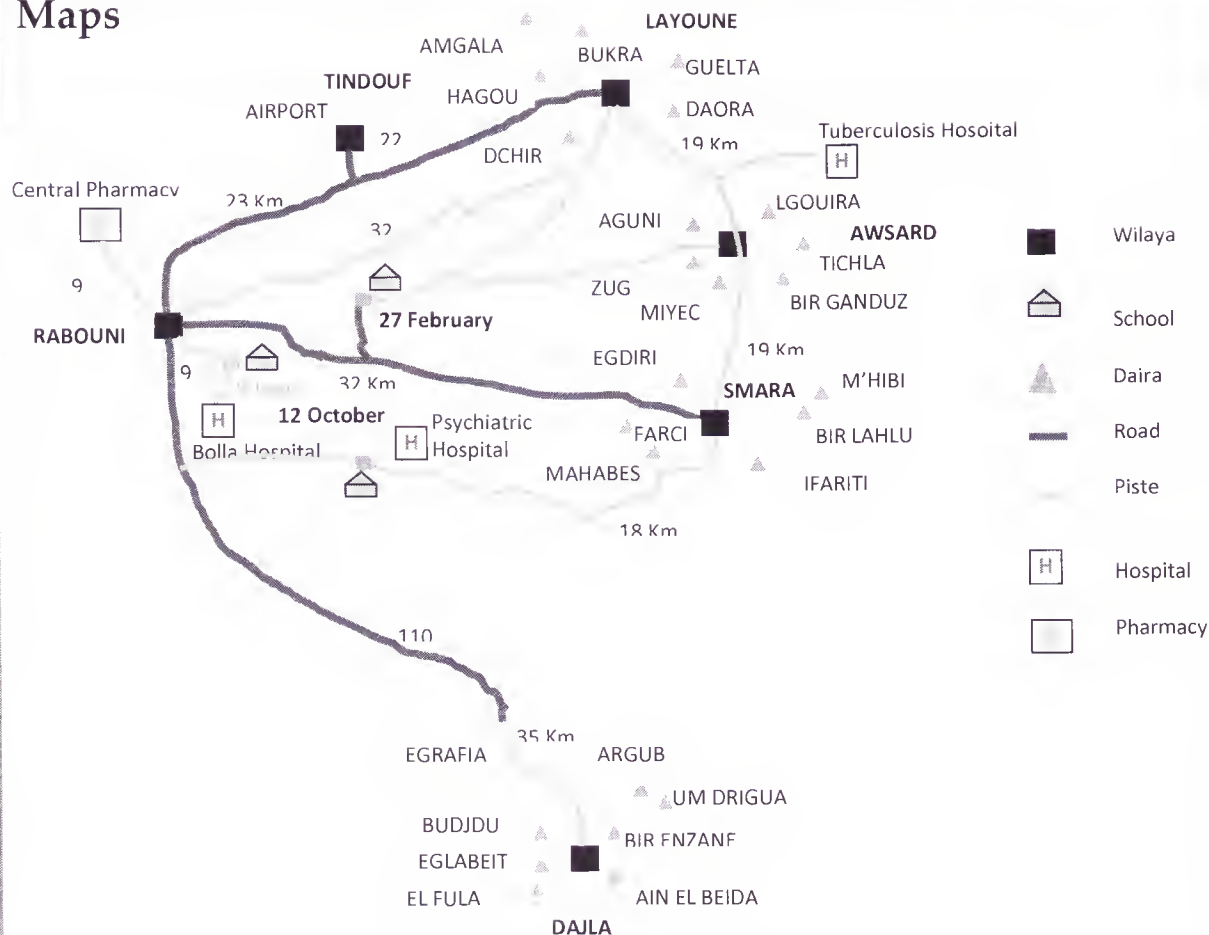
population an intensely political artifact. The Moroccan Government claims some 7,000 have returned to the Western Sahara and unknown numbers, although certainly in the thousands have dispersed to Mauritania and elsewhere. Sahrawis who can document their or their parents’ inclusion in the last Spanish colonial census of the Western Sahara are eligible for residence permits in Spain. Although the climate in the areas of the Western Sahara east of the Berm and under the control of the Polisario is generally quite harsh, relatively significant rainfall (for the area) over the past five years has rendered parts of the territory increasingly suitable for pasturage. There are no reliable estimates of this population, nor is any independent monitoring likely due to its military sensitivity, but the figure is probably in the thousands and the economic activity serious enough for Algerian authorities to restrict the entry of Sahrawi camels raised in the territory from entry into Tindouf for fear of depressing the local camel market.

UNHCR and the World Food Programme (WFP) have repeatedly requested permission to conduct a census of the population to develop a credible data base for aid distribution. After his historic September 2009 visit to the camps, High Commissioner Guterres responded to Polisario complaints of insufficient aid by declaring that increasing the amount was contingent upon such a census. Still, Algeria refused.¹⁶ When an independent journalist among the refugees asked him at a press conference why Sahrawi refugees did not have regular UNHCR documentation like other refugees, Yahia Buhobeini, President of the Polisario-controlled Sahrawi Red Crescent, brought the press conference to a close before the High Commissioner could answer.

Since January 2008, WFP has provided rations for 125,000 persons¹⁷ and other donors give undisclosed amounts. For three years and four months prior, WFP had provided rations for 158,000 persons.¹⁸ Although there may be only 90,000 or fewer refugees in the camps, according to an October 2008 survey international agencies conducted in the Tindouf camps in March and April there was an 18 percent prevalence of global acute malnutrition (GAM) in the camps and a five percent prevalence of severe acute malnutrition. This was “a drastic increase compared to the findings in 2005[c] when the prevalence of GAM was 8 % with 2 % being severe.” There was a 32 percent prevalence of stunting with nine percent severely stunted and 62 percent of children aged 6-59 months suffered from anemia, six percent of them severely, with the highest rates among those 30 months old and younger.

MAP OF CAMPS AND THEIR "DAÏRA" OUTSIDE TINDOUF, ALGERIA

Maps



Source: DARA, "Evaluation of DG ECHO's Action in the Saharawi Refugee Camps, Tindouf, Algeria (2006-2008)," August 17, 2009, p. 2.

Anemia ran 54 percent among non-pregnant women but 66 percent among the pregnant with 15 percent severely so. Erratic delivery causes daily caloric intakes to fluctuate from month to month and they dropped to only 500 kcal during in July and October of 2007. Nearly half of children under five had diarrhea, of which 30 percent reported bloody diarrhea; more than half reported difficulties breathing.¹⁹

Based upon the discrepancies in the population estimates, the opportunity for diversion might seem obvious. In fact, the problem is not new and was the subject of a 2005 confidential report of UNHCR's Inspector General's Office²⁰ which noted:

According to various protected sources, food and [non-food items (NFI)] were being diverted at the Port of Oran, en route to Tindouf and after arrival at the Rabouni warehouse in Tindouf, and were then transported to parts of Algeria, Mauritania and Western Sahara. Again according to OLAF [Office Européen de Lutte Anti-Fraud], those responsible for the diversion of humanitarian aid were Algerian and Sahrawi nationals working for NGOs such as the Algerian Red Crescent Society ([Croissant-Rouge Algérien] or CRA) and the



Sahrawi Red Crescent Society ([*Croissant-Rouge Saharaoui* or] CRS). ...

[The issue of the number of refugees in the camps and their registration] is intrinsically linked to the allegations of diversion of food aid... [I]f diversion is occurring, it is likely to be at the level of the Rabouni warehouse and because the number of beneficiaries is lower than the number for whom food is provided by the international community. ...

[T]he UNHCR office in Tindouf did not conduct regular monitoring of food and NFI distributions. In fact, such monitoring had not taken place regularly since 2001. ... WFP was not able to proceed to the camps without authorization and an escort by CRS. ...

[A] reliable protected source shared their view with the IGO that it was not unlikely that food aid in particular was being sent to Western Sahara to supply troops. ...

The most striking aspect of this inquiry is that many of these issues (problems with refugee numbers, lack of registration, lack of CRA accountability, lack of monitoring) arose as early as 1977 and 28 years later the same problems persist.

One refugee returned to the Western Sahara in May 2009 and told USCRI that he smuggled food and gasoline for officials in the Polisario and the Sahrawi Red Crescent between the camps in Algeria and the Mauritanian town of Zerouat. He reported that he smuggled 20-ton shipments about twice per month in 2008 and loaded his truck in Rabouni, generally at night. Rabouni is the headquarters of the Polisario and terminal for any independent transport of international aid before agencies turn it over to the Polisario. On one occasion, he reports, rival Polisario officials stopped him and extracted a \$600 bribe for which his original clients reimbursed him.

POSITIVE ALTERNATIVE: ALGERIA'S TREATMENT OF PALESTINIAN REFUGEES

Algeria is also host to some 4,000 to 6,000 Palestinian refugees who enjoy rights equivalent to those of Algerian nationals with respect to movement, residence, and economic activity. Many of them or their ancestors arrived shortly after Algeria's independence in the early 1960s with various forms of documentation. Algeria does not issue them refugee documents but, in cooperation with the Embassy of Palestine which upon request verifies their identities, regularly issues and renews their residence cards and waives restrictions on employment otherwise applicable to foreigners.

Residence cards for foreigners are valid for only two years. Renewals are generally contingent upon demonstration that the original reasons for their issuance, e.g., legal employment, enrolment in studies, etc., still apply. If Palestinians originally had such bases, they have not uniformly retained them over the years as Algeria would normally require for renewal of residence permits. Nevertheless, should Palestinians' studies or employment or other bases lapse by the time renewals are due, the Embassy of Palestine in Algiers vouches for the refugees to the Algerian authorities, who renew the cards.

USCRI toured the headquarters of Al Aseel Stationary & Office Supplies outside Algiers employing a number of Palestinian refugees alongside Algerian nationals.

CONCLUSION AND RECOMMENDATIONS

Algeria's treatment of Palestinians is evidence, were any required, that Algeria need not restrict the movement, residence, and employment rights of Sahrawi refugees. Instead, it should honor its commitments under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Donors should reserve a significant portion of aid that would otherwise go to the camps for hosting alternatives in Algeria consistent with the rights of refugees under those instruments and set progressively larger amounts of aid aside for such purposes in coming years.

ENDNOTES

- 1 Office of the UN High Commissioner for Human Rights (OHCHR), "Report of the OHCHR Mission to Western Sahara and the Refugee Camps in Tindouf 15/23 May and 19 June 2006," Sept. 8, 2006, www.birdhso.org/ohchr.html (OHCHR 2006), ¶7: "The Frente Popular para la Liberación de Saguia el Hamra y Río del Oro (Frente Polisario), founded in 1973, claims that its aim is to institute a Sahrawi Arab Democratic Republic (SADR) in Western Sahara. The Government of SADR was constituted in exile in February 1976."
- 2 World Food Programme, Médicos del Mundo, et al., "Nutritional and Food Security Survey among the Saharawi Refugees in Camps in Tindouf, Algeria," October 2008, p.10.
- 3 UNHCR, States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, 11/1/7, www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf (21 Feb 1963d; 08 Nov 1967a); UNHCR, Declarations and Reservations to the 1951 Convention relating to the Status of Refugees, March 1, 2006, www.unhcr.org/protect/PROTECTION/3d9abe177.pdf. AU, List of States Party to the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa, 5/26/7, www.africa-union.org/root/au/Documents/Treaties/List/Convention%20on%20Refugees.pdf (Signature, ratification, deposit: 10/09/1969, 24/05/1974, and 20/06/1974).
- 4 Office of the UN High Commissioner for Human Rights (OHCHR), "Report of the OHCHR Mission to Western Sahara and the Refugee Camps in Tindouf 15/23 May and 19 June 2006," Sept. 8, 2006, www.birdhso.org/ohchr.html (OHCHR 2006), ¶39: "While the refugees are present in the territory of Algeria, the authorities reiterated during meetings with the Head of the delegation that despite this presence, the responsibility for human rights and any other related matters lies with the Government of the SADR. As indicated below, as a State party to these instruments, the Government of Algeria is obliged to ensure that all rights stipulated in these instruments are upheld for all persons on Algerian territory. ¶40. It should be underlined that UNHCR works directly with the Government of Algeria as the country of asylum/host government on all matters related to the Sahrawi refugee programme. ... ¶55. States parties to human rights treaties are under an obligation to respect and ensure those rights to all persons who may find themselves on the territory of the State party (8), including aliens, refugees and asylum seekers. Algeria, as the country of asylum of some 90,000 Sahrawi refugees (9), holds that it bears no responsibility with regard to the human rights situation of the Sahrawi people. According to the Algerian authorities, respect for human rights is a matter for the Sahrawi Arab Democratic Republic, a state recognized by Algeria and several other countries, to ensure that human rights of its people are respected, and to implement the obligations it voluntarily assumed, including by ratifying the African Charter on Human and People's Rights. No international human rights treaty body has specifically validated this view with regard to the international human rights obligations accepted by Algeria. It is our opinion that all possible efforts should be made towards the fulfillment of all human rights of the people of Western Sahara. Accordingly, Algeria should take all relevant measures to ensure that all individuals present on its territory benefit from the protection of the international human rights conventions to which it is a party."
- 5 Salek Saluh, "87% de los Jovenes Saharauis Desea Emigrar al Extranjero," *Revista Futuro Saharaui*, October 4, 2006, <http://www.futurosahara.jeeran.com/es10.htm> (translation by afrol News, <http://www.afrol.com/articles/21719>).
- 6 Similarly, Human Rights Watch found that those who have left the camps for Western Sahara "uniformly said that they kept their ultimate destination secret, fearing that the Polisario might prevent them from traveling if it became known. This fear causes many to leave without belongings and relatives they might otherwise take with them... [A] culture of 'Don't ask, don't tell' surrounds the process." Human Rights Watch, *Human Rights in Western Sahara and in the Tindouf Refugee Camps*, December 19, 2008, pp. 15, 123-26.
- 7 Loi n° 81-10 du 11 juillet 1981 relative aux condi-



- tions d'emploi des travailleurs étrangers, Arts. 2, 3, 15: Journal Officiel de la République Algérienne Démocratique et Populaire (JORADP), 7/11/81, pp. 683-84.
- 8 Art. 6, p. 684.
 - 9 Art. 10, p. 684.
 - 10 Art. 15, p. 684.
 - 11 Art. 25, p. 685.
 - 12 Loi n° 90-11 du 21 avril 1990 relative aux relations de Travail modifiée et complétée au 11 janvier 1997, *Titre III - Relations individuelles de travail*, Art. 21: "L'employeur peut procéder au recrutement de travailleurs étrangers dans les conditions fixées par la législation et la réglementation en vigueur lorsqu'il n'existe pas une main d'oeuvre nationale qualifiée." See also UNHCR Country Operations Plan, September 1, 2005, p. 5 (referring to administrative and documentary barriers for refugees).
 - 13 Décret executive no. 05-05 du 25 Dhou El Kaada 1425 correspondant au 6 janvier 2005 protant organization et fonctionnement de l'inspection générale du travail, JORADP, January 9, 2005, pp. 7, 10.
 - 14 Human Rights Watch, *Human Rights in Western Sahara and in the Tindouf Refugee Camps*, December 19, 2008, pp. 139-42, 197-98.
 - 15 Human Rights Watch, *Human Rights in Western Sahara and in the Tindouf Refugee Camps*, December 19, 2008, pp. 138-39, 188, 197.
 - 16 Agence France Presse, "Sahara occidental : Le HCR veut un recensement des camps de Tindouf, Alger refuse, » Sept. 13, 2009 (« Le haut-commissaire des Nations unies pour les réfugiés (HCR), Antonio Guterres, a affirmé, vendredi 11 septembre... qu'une augmentation de l'aide humanitaire onusienne en faveur des Sahraouis vivant dans les camps de Tindouf (sud algérien) était liée à leur recensement. 'Nous avons reçu de l'Algérie une indication [selon laquelle] cette aide n'est pas suffisante et nous avons dit qu'il fallait faire un recensement.' A déclaré M. Guterres. Cependant, a-t-il ajouté, 'l'Algérie n'a pas accepté et nous n'avons pas changé nos estimations.' »)
 - 17 UN Security Council, "Report of the Secretary-General on the situation concerning Western Sahara," April 13, 2009, S/2009/200, ¶¶34-35.
 - 18 World Food Programme, Médicos del Mundo, et al., "Nutritional and Food Security Survey among the Saharawi Refugees in Camps in Tindouf, Algeria," October 2008, p. 11.
 - 19 World Food Programme, Médicos del Mundo, et al., "Nutritional and Food Security Survey among the Saharawi Refugees in Camps in Tindouf, Algeria," October 2008.
 - 20 UNHCR Inspector General's Office, Investigation Unit, Inquiry Report INQ/04/005, May 12, 2005.

APPENDIX A: FORM FOR TRANSMITTING APPLICATIONS FOR ORDRES DE MISSION FROM POLISARIO MINISTRY OF INTERIOR TO ITS TINDOUF OFFICE.

الجمهورية العربية
الصحراوية الديمقراطية
وزارة الداخلية

تاريخ: 2008/ /
إلى: مكتب التنسيق في
صحراوي تيندوف

الموضوع: طلب تسفير، 90000441

نرجو تسفير إخوة الوارثة اسمائهم في الجدول التالي:

| الرقم | الاسم الكامل | رقم بطاقة | الولاية | الوجهة | الغرض |
|-------|--------------|-----------|---------|--------|-------|
| 01 | | | | | |
| 02 | | | | | |
| 03 | | | | | |
| 04 | | | | | |
| 05 | | | | | |
| 06 | | | | | |

عدد النسخ: ٢
التوزيع: م. التنسيق
الأرشيف

أرسلت: الإدارة العامة

English translation of headings

Upper left: “2008/ / To Sahrawi Office in Tindouf”

Upper right: “Sahrawi Arab Democratic Republic
Ministry of the Interior”

Title: “Request for Travel”
[nine-digit number]

“Names of the people who will travel:”

Column headings: “number,” “name,” “ID number,” “Wilaya of residence,” “Destination,” and “Purpose.”

Bottom right: “One copy to MoI, one for Tindouf”

Bottom left: “signature and stamp”

APPENDIX B: USCRI'S AUGUST 5, 2009 LETTER TO CHIEF ALGERIAN OFFICIAL FOR REFUGEES, LAZHAR SOUALEM

August 5, 2009

Lazhar Soualem
Directeur des Droits de l'Homme, du Développement Social et des Affaires Culturelles,
Scientifiques, et Techniques Internationales
Ministry of Foreign Affairs
El Mouradia (Ex-Golf)
Algiers
Algeria

Dear Mr. Soualem,

I am sorry it was not possible to meet with you when I was in Algiers last month although I am grateful for our brief encounter earlier at UNHCR's Standing Committee in Geneva. Perhaps our paths will cross again, but I will put my questions in writing just in case and look forward to your response.

1. Could you please describe the process whereby a Sahrawi refugee may travel in Algeria beyond the town of Tindouf and any restrictions that may apply under Algerian law, regulations, or policies? Specifically, could you please identify for me the office of the Government of Algeria that adjudicates applications for *ordres de mission* from Sahrawi refugees? Could you also please give me a copy of such an *ordre de mission* and any regulations or instructions governing their adjudication and issuance? Do you have any statistics on the number of such orders *de mission* that were issued in a given period, say, 2008, and for what reasons, the number of applications, and, if any were rejected, the reasons for their rejection?
2. Could you please describe the process whereby a Saharawi refugee might obtain a *carte de sejour* or residence permit to live in portions of Algeria beyond Tindouf and any restrictions that may apply under Algerian law, regulations, or policies? Do you know how many Sahrawi refugees currently hold such permits and for what reasons, the number who may have applied in a given year and, if any applications were denied, the typical reasons for the denials?
3. Could you please describe the process whereby a Sahrawi refugee might obtain legal employment in Algeria and any restrictions that may apply under Algerian law, regulations, or policies? Do you know how many Sahrawi refugees are working legally in Algeria beyond Tindouf? Do you have reason to believe any might be working illegally and, if so, can you estimate how many?

February 10, 2011

Moroccan Exceptionalism?

J. Peter Pham, PhD

I recently spent nearly two weeks in North Africa, arriving just before popular demonstrations drove Tunisia's Zine El Abidine Ben Ali from power and leaving just after the protesters occupied Cairo's Tahrir Square in their attempt to do the same to Egypt's Hosni Mubarak.

Yet if it weren't for the fact that I was receiving a steady stream of messages from acquaintances across the region on my BlackBerry and catching the constant coverage first on Al-Jazeera, then CNN International, and, finally, other networks back in my hotel room, I would not have known that unrest was quickly spreading across the Maghreb and unsettling the entire Arab Middle East.

It was not a case of my being closeted away from ordinary citizens: actually several times during the trip I opted out of more formal repasts to indulge my craving for *mokh* (brains simmered in garlic, spices, and, occasionally, preserved lemons, served to be scooped up with crusty bread—a regional delicacy I have acquired a taste for over the years) in local eateries away from the paths of most tourists.

Rather, I was in Morocco, a longtime ally of the United States whose apparent immunity to the revolutionary ferment bubbling elsewhere in its neighborhood presents a useful case for American policymakers and analysts to consider as they ponder how balance the idealist desire to support the peoples of the Middle East in their aspirations for political and social change and the realist interest in maintaining security and stability.

If one follows the rather superficial commentary peddled in recent weeks by cable television pundits, many of whom have never even set foot in Egypt, much less Tunisia, Morocco should be prime candidate for the current wave of upheaval, given the material reasons its people might have for grievance. In fact, on certain indices, they might be deemed worse off than their Egyptian and Tunisian counterparts. GDP per capita (purchasing power parity) in the kingdom is three-fourths of what it is in Egypt and barely half of what it is in Tunisia. Whereas both Egypt and Tunisia have a large, well-educated middle class, the literacy rate in Morocco, while improving substantially in recent years, still hovers at just above 50 percent. The average Moroccan woman can expect to have six fewer years of schooling than her Tunisian sister and two years less than her Egyptian sister. Morocco has a higher infant mortality rate than both Egypt and Tunisia and a lower life expectancy than the latter.

So why were ordinary Moroccans breaking *khobz* with me, rather than rioting or otherwise agitating against their government? It was not that they were unaware of the protests: satellite dishes are ubiquitous even in the poorest areas, virtually every Moroccan adult has a mobile phone, and the country has one of the most technologically advanced internet services, both cable and wireless, in Africa. Rather, other factors are at play.

First, unlike the most of the Arab Middle East outside Egypt, where the nation-state is a colonial artifice created out of the wreckage of the Ottoman Empire, Morocco has a political history that, leaving aside the classical period, goes back more than twelve centuries to the establishment of a state at Fes by Idris ibn Abdullah, great-great-grandson of Ali, cousin and son-in-law of Muhammad. The current Alaouite Dynasty, which traces its descent from the Prophet of Islam through his daughter Fatima and the Caliph Ali—and, thus, the reigning monarch's claim to be *Amir al-Mu'minin* ("Commander of the Faithful")—has occupied the throne since 1666, the year of the Great Fire of London. The fifteenth sultan of Morocco in that lineage, Mohammed III was, in 1777, the first foreign sovereign to recognize the independence of the United States. Thus, the current monarch, King Mohammed VI, enjoys a historical and political legitimacy that is unmatched in the Arab world. The traditional bonds between sovereign and people are renewed annual in the ceremony of the *bay'a*, or oath of allegiance, where representatives of the all sectors of the populace pledge their fidelity to the throne and the monarch reaffirms his commitment to defending the rights of citizens as well as the independence, territorial integrity, and welfare of the kingdom.

Second, far from being complacent, the current king, who succeeded his father more than eleven years ago, has embarked on an ambitious program of reform and political opening. In one of his first acts of office, King Mohammed created an Independent Arbitration Commission to compensate those who had suffered detention and other human rights abuses



during the long reign of his father, Hassan II. The panel, the first of its kind in the region, heard more than 7,000 cases and awarded more than \$100 million in reparation payments. In 2004, acting on the recommendation of his Advisory Council on Human Rights (CCDH) as well as various civil society groups, the king established the Equity and Reconciliation Commission (IER) with the mandate of establishing the truth about human rights violations that occurred between independence (1956) and his ascent to the throne (1999), administering assistance to victims and their families, and recommending measures to prevent future violations and foster reconciliation. The multi-volume IER Final Report, prepared after an exhaustive review of more than 22,000 cases and unprecedented televised hearings centered on victim testimony, was a landmark document that opened the way not only to the payment of \$85 million in reparation to some 9,000 people, but also the reform of state institutions and the strengthening of the rule of law.

In contrast what hitherto have been *de facto* one-party states in Tunisia and Egypt and what the WikiLeaks-published U.S. embassy cables describe as “*corefully choreographed and heovily controlled*” polls in Algeria, Morocco under Mohammed VI enjoys a boisterous multiparty system with groups ranging from socialists to Islamists contesting—and, more importantly, registering gains—in the last parliamentary elections in 2007, a poll that was monitored by international groups, including the National Democratic Institute whose report, while noting “*isoloted irregularities,*” observed that “*the voting went smoothly and was choracterized by o spirit of transparency and professionalism*” and praised the government for providing “*o significont opportunity for Moroccons to moke their political views known.*”



The author, Dr. J. Peter Pham (center), seated between General Adoum Ngare Hassan, Inspector-General of the Armed Forces of Chad, and Dr. Christophe C. Koungniazonde, Secretary-General of the African Federation of Strategic Studies (FAES), at the recent Marrakech Security Forum in Morocco.

Even on the touchy issue of the Moroccan sovereignty over the former Spanish Sahara there has been movement with, as I have previously noted, with the government advancing a proposal to break the longstanding impasse on the question by offering generous autonomy including not only an elected local administration—including executive, legislative, and judicial branches—for the “Saharan Autonomous Region” that would be created, but also ideas about education and justice and the promise that financial resources would be forthcoming to support them in addition to whatever revenues can be raised locally. Under the plan, the only matters that would remain in control of Rabat would be defense and foreign affairs as well as the currency, while the regional authority would have broad powers over local administration, the economy, infrastructure, social and cultural affairs, and the environment.

Third, the political opening has been accompanied by a broader liberalization, including a reform of the family code (*Moudowono*) which the king successfully pushed through over conservative opposition by, in part, invoking his religious authority as Commander of the Faithful. Among other provisions, the new legislation significantly advanced women’s rights by raising the minimum age of marriage to 18, limiting polygamy, granting couples joint rights over their children, and permitting women to initiate divorce proceedings. Exceptionally for the Arab world, women also have a place in Morocco’s official religious establishment with *mourchidates*, or female religious guides, trained alongside more traditional male imams.

The government has recognized that poverty is a major concern, but also the way to spur economic growth—which, in recent years, has averaged between four and five percent, a respectable, if not stellar, rate for a developing country that has not been blessed with an abundance of readily exploitable primary commodities—is to strengthen institutions of governance and encourage the private sector. The state has gradually retreated from the business sector through a series of privatizations that has opened new opportunities for an emergent middle class of entrepreneurs and technocrats. Tariffs have been slashed dramatically, if not eliminated altogether, as they have been for capital goods, raw materials, spare parts, and non-locally-produced goods.

The soundness of the country’s macroeconomic approach is attested to by the 2007 signing with the United States of what was then the largest compact ever entered into by the Millennium Challenge Corporation (MCC), which is mandated to assist countries on the basis of their commitment to policies that promote political and economic freedom, investments in education and health, control of corruption, and respect for civil liberties and the rule of law by performing well on seventeen different policy indicators. The \$697.5 million MCC program in Morocco, which entered into force in 2008, is aimed at developing the country’s agriculture, fisheries, artisanal production, and tourism sectors, as well as promoting small businesses. The country currently has a free trade agreement with the United States and an association agreement with the European Union. Speaking during his visit Morocco this week, European Commissioner for Enlargement and Neighborhood Policy Štefan Füle welcomed the political and economic reforms embraced by the government and underscored the willingness of the EU to launch negotiations for the implementation of a comprehensive free trade area. Anyone passing

through the seemingly endless construction in the formerly neglected north of the country, as I did last summer during a visit to Tangier, can see the fruit of these measures to free market-friendly measures.

In a Brookings Doha Center report published just last month, Dr. Anouar Boukhars of McDaniel College concluded that with the gradual increase in individual liberties and the progress made with economic and social liberalization, "Morocco has emerged as one of the more liberal Arab states."

Fourth, in the delicate area of security, as I have reported here previously, Morocco has made a significant contribution through its unique approach to combating terrorism and extremist ideologies. According to the US State Department's most recent report released last August, not only did the Moroccan government pursue "a

of terrorism, emphasized neutralizing existing

implement internal

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Fourth, in the delicate area of security, as I have reported here previously, Morocco has made a significant contribution through its comprehensive approach to combating terrorism and extremist ideologies. According to the US State Department's most recent edition of *Country Reports on Terrorism*, released last August, not only did the Moroccan government pursue "*a comprehensive counterterrorism approach that, building on popular rejection of terrorism, emphasized neutralizing existing terrorist cells through traditional intelligence work and preemptive security measures,*" but it "*continued to implement internal reforms aimed at ameliorating the socio-economic factors that terrorists exploit.*" Moreover, the Congressionally-mandated State Department document acknowledged that "*King Mohammed VI has promoted significant efforts to reduce extremism and dissuade individuals from becoming radicalized,*" citing in particular the National Initiative for Human Development (INDH), a multibillion-dollar program aimed at generating employment, fighting poverty, and improving infrastructure in both rural areas as well as the sprawling slums on the outskirts of urban centers. Just this week, Prime Minister Abbas El Fassi announced that the government would invest \$3 billion to bring a total of 79 waste water treatment plants on line by 2012.

While their strategy is broad and involves a great deal of "soft power," it does not mean that Moroccan officials have neglected the need to use force when needed. In October, Moroccan authorities broke up an international drug trafficking ring, with links to South American cartels, that was transporting cocaine and marijuana between Latin America and Europe, via North Africa. The Moroccan interior minister told the *Voice of America* at the time that with the arrests there was established what he called "*an opponent coordination and confirmed collaboration*" between drug traffickers and AQIM, noting that the terrorist group was making money by using its members' knowledge of desert routes, weapons, and means of transportation to protect the traffickers. Last month, authorities disrupted efforts by another AQIM cell to set up a "rear base" in the part of the Saharan provinces beyond the security Moroccan security barrier.

Of course, all this is not to say that Morocco's path ahead is assured. Quite to the contrary, the country faces a number of challenges, not least in the area of security. One of the principal reasons for my recent trip there was to participate in the Marrakech Security Forum, an annual gathering of regional and international government officials, both civilian and military, and scholars, sponsored by the African Federation of Strategic Studies (FAES) and the Moroccan Center for Strategic Studies (CMES). This year the focus was on al-Qaeda in the Islamic Maghreb (AQIM), a group whose terrorist activity, drug trafficking, and extremist networking can, as I predicted last month, be expected to continue and worsen in 2011. Similarly, while the inclusion of groups like the Justice and Development Party (PJD), which captured a larger percentage of the popular vote in the last parliamentary election than any other single party, in government have given moderate Islamists a stake in the system and an interest in its continued security and stability, hardliners like adherents of Abdesslam Yassine's *Al-Adl wal-Ihsane* ("justice and charity") group have long contested the king's religious title and called as recently as this week for the overthrow of the current constitutional order. And although GDP has risen more than 40 percent since the current king ascended the throne, the unemployment rate remains just under 10 percent, with the figure for youth perhaps twice as high.

Nevertheless, there is reason to be optimistic that Morocco—pace the country's New Jersey-resident dissident Prince Moulay Hicham in his recent interview with the Spanish newspaper *El País*—will be an exception. While it is true, as former U.S. ambassador to Morocco Edward Gabriel put it earlier this week in an op-ed for *The Hill*, "*Morocco has never held itself out as a model for others and has not undertaken [its] reforms in order to offer anyone any lessons,*" the reality is that the country does offer an example of how, integral transformation voluntarily undertaken and carried out both with respect for history, religion, and culture, and at an appropriate speed can offer a path to the future that balances the competing demands of stability and openness to change. Moreover, while the recent crises have underscored the limits of America's ability to "manage" the course of events from the outside, that does not mean that the United States should not redouble its efforts to encourage allies like Morocco to persist in their own internally-driven reform efforts as well as suggest that other countries might learn a lesson or two from the progress achieved. That much would be in America's interests and that of the states and peoples of the Middle East and Africa.

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Editor-in-Chief of its refereed Journal of the Middle East and Africa.
Pham has edited, or translated over a dozen books and is the author of over three hundred essays and reviews on a wide range of international relations, international law, political theory, and ethics, with a particular focus on the study of terrorism and political violence in the Arab world and African states as well as religion and global politics.

Thursday, December 9, 2010

Desert Land in Limbo Is Torn Apart

Morocco and Algeria Pursue a 'Cold War'

By ROBERT F. WORTH and SOUAD MEKHENNET

LAAYOUNE, Western Sahara — Dozens of buildings are still blackened from fire on this remote desert city's main boulevard, their windows shattered, their doors boarded up. A hostile silence has reigned since the riot that broke out here last month, leaving 11 Moroccan officers dead and hundreds of people injured.

The violence — the worst seen here in decades — has renewed a long-festering conflict between Morocco, which governs Western Sahara, and the separatist Polisario Front, based in and supported by neighboring Algeria.

Many fear the episode will sow more chaos in this Colorado-size territory on the Atlantic coast, or even create an opening for Al Qaeda, which has gained a foothold in neighboring countries in northwest Africa in recent years.

"There are real social tensions in Laayoune, but they are being fueled by the cold war between Morocco and Algeria," said Tlaty Tarik, a political analyst. "This situation is becoming more dangerous, because of the violence and because Al Qaeda is now present in the region."



A bank that was ransacked by mobs in Laayoune, Western Sahara, during a riot last month that left 11 Moroccan officers dead and hundreds of people injured.

The riot began after the police evacuated a protest camp set up just outside this city by Sahrawis, the once nomadic native people of the area, who are now outnumbered by wealthier Moroccan emigrants from the north. Knife-wielding thugs — who may have had a political agenda — appear to have hijacked the peaceful protest. The security forces later retaliated, detaining and beating dozens of Sahrawis, according to witnesses and a report by Human Rights Watch.

Ever since, divisions appear to have deepened, both among the Sahrawis themselves, and with Moroccans living in this newly built city of tidy houses.

"After what happened, nothing feels normal, and people don't feel safe here," said a 25-year-old Sahrawi man named Laghdaf, who was sitting on the steps of a half-built cinder-block house recently. Some Sahrawis blame members of their own community, he said. Others say the Moroccan state has treated them unjustly.

The unrest has spread beyond Western Sahara. On Sunday, hundreds of thousands of Moroccans rallied in Casablanca, denouncing Spanish political parties and newspapers that had accused Morocco of carrying out a massacre in Laayoune.

A fog of rumors and propaganda has helped obscure the facts about what happened here last month. The Polisario Front still maintains that the Moroccan authorities carried out a massacre after evacuating the camp, where about 12,000 people had gathered to protest social and economic conditions.



Laayoune is a modern city of 300,000 with its own airport.

"More than 30 people were killed," some of them buried alive, Ahmed Boukhari, the Polisario representative at the United Nations, said in a telephone interview. Similar stories have appeared in the Algerian press.

The truth, it soon emerged, was virtually the opposite: knife-wielding gangs from the camp attacked unarmed Moroccan security officers, killing 11 of them, according to the police, witnesses and human rights advocates. Gruesome video footage captured during the attacks shows one masked man deftly cutting the throat of a prone Moroccan officer, and another urinating on the body of a dead fireman.

The savage and premeditated style of the killings prompted speculation that Qaeda-style militants might have been involved, but there is no evidence of that. Two or three civilians died, by most accounts, in what appeared to have been accidents. All told, 238 officers were injured, said Mohamed Dkhissi, the city's police prefect.

"We had to choose: a muscular intervention that risked mass casualties, or not to use force," said Mohamed Jelmous, the governor of the Laayoune district.

But the arrests and beatings that took place afterward could spread more anger among young Sahrawis, rights groups say.

Moroccan officials concede that the tensions here are rooted partly in their own mistakes. They have doled out land and money to new Sahrawi refugees from Polisario-controlled areas, a policy aimed at winning hearts and minds that has angered the original Sahrawi residents. "There has been corruption and poor administration, and this has fed the anger," said Mohamed Taleb, the director of a government-aligned human rights group here.

The problem is also partly a colonial legacy. Morocco first occupied Western Sahara in 1975, after the Spanish, who had ruled it as a colony for almost a century, withdrew. The Polisario, formed with Algerian support, demanded independence for the region. It began waging a guerrilla war and lobbied other countries to recognize a Sahrawi Arab Democratic Republic with Laayoune as its capital. It had some success (mostly among African nations), though the number of supporters waxed and waned according to political expediency.

The United Nations helped broker a cease-fire in 1991, with the agreement that a referendum would be held to decide whether Western Sahara would be independent or remain part of Morocco. That has not happened, because Morocco and the Polisario cannot agree on who should be allowed to take part.

In the meantime, Morocco has poured money into Laayoune, making the debate over independence almost an anachronism. What was once a Spanish fort and a cluster of tents is now a modern city of 300,000, a profitable hub for fishing and phosphate mining with its own airport. Sahrawis now constitute less than 40 percent of the population.

Independence would in all likelihood turn Laayoune into an Algerian satellite. Moroccans in the north, who

are keenly aware of the money their government has spent here, say that prospect is intolerable.

In 2007, Morocco proposed that Western Sahara be granted autonomy under Moroccan sovereignty, an idea that found favor with the United States and France. Many Sahrawis seem to like the idea. Earlier this year, the former security chief of the Polisario, Mustapha Salma, who went to Laayoune under a program of exchange visits, publicly declared his support for the autonomy proposal. But the Polisario has held firm to its demands for independence. When Mr. Salma returned to the Polisario's base in Algeria, he was arrested. He then disappeared, and is now reported to be in Mauritania.



A Sahrawi woman at the former site of a camp settled by her people outside Laayoune.

Diplomacy aside, some Sahrawis say they have never been truly accepted by the Moroccan authorities, and feel that they are living under an occupation, even if they believe independence is not a viable option. Joblessness among young Sahrawis, many say, is a cause of the violence.

"All Sahrawis live in fear," said Ghania Djeini, the director of a human rights group. "There is now a hatred between Moroccans and Sahrawis, and the attacks on security forces show this hatred."

Ms. Djeini reeled off grievances like job discrimination, government corruption and "disappearances" that took place in the 1980s and 90s. These disappearances happened throughout Morocco during those years, not just in the Sahrawi area.

Since the events of Nov. 8, many Moroccans here have fresh grievances of their own. The bad blood does not bode well for Western Sahara's future.

"What Algeria did is not right," said Abderrahim Bougatya, the father of the officer whose throat was cut last month, as he sat next to his wife in the family living room, tears running down his cheeks. "They have burned our hearts. They have hurt us a lot."

Bryan Denton contributed reporting.

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Tunisia Upheaval Sparks Anxiety Across Arab World — in Some Leaders More Than Others

By Judith Miller

RABAT, Morocco -- After four days of deafening silence, Morocco has joined several other Arab states in expressing "great concern" about the political upheaval in Tunisia and called upon all Tunisian political factions to restore order by engaging in "fruitful national dialogue." In a statement issued not by Morocco's king, Mohammed VI, but by its foreign ministry, the Moroccan government expressed concern about the impact of the overthrow last Friday of Tunisian President Zine el-Abidine Ben Ali on Morocco's stability and that of the region. The statement warned that re-establishing order in Tunisia was "essential and fundamental to regional security and stability, particularly in the Maghreb."

The foreign ministry in Morocco, a few hundred miles to the west of Tunisia, issued its long-awaited statement as yet another temporary government was being unveiled in Tunis and hours after police opened water hoses on protesters and fired tear gas canisters to break up the demonstrations that have continued in defiance of military curfews.

In Rabat and other Moroccan cities, by contrast, there have been few if any protests. While several merchants at the souk in Rabat expressed support Monday for the Tunisians' overthrow of their dictatorial government, they were virtually unanimous in saying they doubted that Morocco would experience a similar upheaval.

Ahmed Herzenni, president of Morocco's government-appointed Advisory Committee on Human Rights, said in an interview Tuesday that after coming to power in 1999, King Mohammed VI dramatically accelerated the political liberalization that his father, the late King Hassan II, had begun. Herzenni said that what the Tunisian people had done was "very important" in that it had shown that "totalitarianism has no future" in the region and that dictators like Ben Ali were "doomed to be overthrown." But he said Moroccans enjoyed far more freedom and "political space" than Tunisians. "Ben Ali successfully destroyed civil society in Tunisia." When the protests began weeks ago, he said, Ben Ali "had to leave the country because he had no political buffer."

Morocco's statement of concern about the upheaval in Tunis, however, reflects anxiety that is widespread in a region dominated by long-lived autocrats. The most enduring of the region's repressive leaders, Muammar al-Qaddafi, who has ruled oil-rich Libya for decades, condemned the Tunisian protests which led to the overthrow of his long-time ally, Ben Ali. Qaddafi expressed "pain" about neighbor's ouster. "Tunisia now lives in fear," he asserted in a televised statement on Monday night. "Families could be raided and slaughtered in their bedrooms and the citizens in the street killed as if it was the Bolshevik or American revolution," said the ruler long known for his erratic behavior and provocative belligerent speeches.

Qaddafi blamed WikiLeaks for leading Tunisians astray by publishing cables by foreign ambassadors that detailed the corruption of Ben Ali's family and his dictatorial regime's repressive excesses. Qaddafi argued that since Ben Ali had vowed to leave office in 2014, Tunisians should have "patient for three more years." Ben Ali fled over the weekend to Saudi Arabia after diplomats said that France, once his champion and sponsor, refused to grant him asylum. Qaddafi's statements reflect the nervousness about their own political viability shared by so many in the region. President Hosni Mubarak, for instance, who is 82 and said to be ill, has ruled Egypt for over 30 years. But he is contemplating yet another run for office this autumn. Compared to Tunisians, the 84 million Egyptians are on average less well educated, less Internet-savvy and far poorer.

In Egypt's Sharm el-Sheikh on Tuesday, senior Arab leaders, including Morocco's foreign minister, gathered for an economic summit to discuss trade, business and investment. But the events in Tunisia dominated the conference. Arab League Secretary-General Amr Moussa urged the rich Arab countries to help their poorer neighbors. "The less developed countries need help to build their economies and promote development," he said. While he did not refer specifically to the Tunisian upheaval in his speech today, Moussa predicted earlier that the unrest in the North African nation would affect other Arab states. "Democracy and development should go hand in hand," he said. "Otherwise there will be no progress in the region."

Hours before the summit opened, an Egyptian man set himself on fire outside the Parliament in central Cairo in a copy cat protest similar to that which ignited the uprising in Tunisia that led to Ben Ali's ouster. Dozens of Egyptian activists have been protesting spiraling prices in protests each day in front of the Tunisian embassy in Cairo. But Egyptian police have limited the size and duration of the gatherings.

Morocco, though it lacks oil and ranks among the poorest states in North Africa, has made remarkable progress reducing poverty in the last decade. According to a new study by Lahcen Achy, a resident scholar at the Carnegie Middle East Center in Beirut, less than 9 percent of Morocco's population is now considered poor, compared with 16.2 percent a decade ago — a drop in the poverty rate of more than 40 percent. Despite this impressive poverty reduction, he concludes, "Morocco faces the persistent problems of high illiteracy, inequality, volatile economic growth, informal and vulnerable jobs, and uncertain levels of future remittances." Plus, the study concludes, "the state's increasing centralization threatens the role civil society can play in helping improve the country's situation."

In the wake of the stunning events in Tunisia, several autocratic Arab states took steps to relieve economic pressure on their citizens. On Sunday, Syria sharply raised subsidies for energy by raising heating oil allowances for public workers by 72%. In Jordan, which has also seen protests over skyrocketing food and living costs and high unemployment, the Hashemite kingdom announced a new \$125 million package of subsidies for fuel and products like sugar after Jordanians protest this week.

Meanwhile, younger Arabs continue to watch political events unfold in Tunisia and write enthusiastic entries in FaceBook, Twitter, and other social networking sites. "Every Arab leader hoping that Tunisia fails and every young Arab is hoping that it succeeds," said Mona El Tahaway, an Arab analyst told the BBC.



Monday, January 3, 2011

Unlikely bedfellows: Are some Saharan Marxists joining Al-Qaida operations in North Africa?

Posted By Alison Lake

In the harsh desert Sahel region of Algeria, Mali and Mauritania, according to Moroccan and Mauritanian government sources, some Marxist nationalists are colluding with France's most feared terrorist group, al-Qaeda in the Islamic Maghreb (AQIM). In recent months, the group has abducted Westerners for hefty ransoms, trafficked arms and drugs from Latin cartels and bombed sites in Algeria and Mauritania.

This may be a new development, but Arab governments have long attempted to accuse their opponents, domestic or otherwise, of links to al-Qaeda in an attempt to curry support from the United States for their own suppression of criticism or opposition. However, there is some evidence that stalled discussions over independence or autonomy for Western Sahara may have created a marriage of convenience among some elements of the independence struggle and AQIM.



If accurate, these reports suggest that some members of the Algeria-based Polisario Front have joined al-Qaeda in trafficking drugs, arms and humanitarian aid in North Africa's desert borderlands. AQIM is a product of the Algerian civil war and Bin Laden's jihadist campaign in Afghanistan. A few hundred AQIM members operate in southern Algeria and northern Mali and Mauritania, and are making inroads to Morocco, say Moroccan intelligence officials.

The heavily-armed Polisario, an independence movement for Western Sahara, is based in southwest Algeria near the Sahel zone of AQIM control. Polisario's key supporters are Cuba and Algeria, which fund its military and political operations, and it has political support from many African nations including South Africa.

Recent arrests of Polisario members by the governments of Morocco, Algeria and Mauritania give credence to the unlikely link between an Islamist group and Marxist nationalists. Maj. Gen. Abdeljebbar Azzaoui, Morocco's director of intelligence and counterterrorism, alleged some 75 arrests by Morocco, Mauritania and Mali of Polisario members involved in al-Qaeda operations. He said the Moroccan government works closely with these two countries and shares a list of captives. On Oct. 30 Morocco's Interior Ministry announced its capture of a supposedly al-Qaeda-linked terrorist cell, the "Saharawi Jihad Front," headed by a Polisario supporter.

In August, in response to AQIM's demands, Mauritania released Omar le Sahraoui, a Polisario veteran on hire for AQIM who kidnapped three Spanish aid workers in November 2009. Washington's Center for Strategic and International Studies in Washington (CSIS) reported some 20 other Polisario members were arrested for the kidnapping.

In January, Algerian security services arrested Sidi Mohamed Mahjoub, a Polisario imam, whose home allegedly contained arms, 20 kilos of explosives and correspondence with AQIM leader Abd al-Malik Droukdel. Regional experts Abdul Hameed Bakier of the Jamestown Foundation in Washington and Claude Moniquet of the Brussels-based European Strategic Intelligence & Security Center confirmed the capture. But in October, Emhamed Khadad, a Polisario leader and spokesperson, stated by telephone that the imam was back home, alive and well.

The edges of Algeria, Mauritania and Mali are poorly policed and invite criminality. "Border policing is an ongoing concern for Mauritania," said Mohamed Lemine El Haycen, Mauritanian Ambassador to the U.S. "To protect our citizens and foreign residents, we are focused on containing immigration and illicit traffic," said El Haycen. "We also try to discourage radicalism at home to refute terrorist ideology.

The "terrorist ideology" cited by the Mauritanian Ambassador is a reference to Salafist jihadis who reject modern nationalist tenets. The Polisario Front, in stark contrast, formed as a secular Cold War independence movement for Western Sahara in 1973, following Spain's retreat as a colonial power. Since the mid-1970s, Morocco and the Polisario have sparred over this desert territory on Africa's Atlantic coast. After Spain, and then Mauritania, relinquished claim to the Western Sahara, Morocco has occupied the majority of the territory, which borders 275 miles with Morocco and 26 miles with Algeria. The conflict's long history is punctuated by failed negotiations, Morocco's ongoing occupation of the territory, and repeated threats by the Polisario to return to armed conflict despite the 1991 United Nations-administered ceasefire.

The conflict undermines regional cooperation in North Africa and encourages terrorism and trafficking, said Sahara experts such as J. Peter Pham, senior vice president of the National Committee on American Foreign Policy. "There is serious concern that the Western Sahara dispute has created an environment propitious for the spread of violent extremism," agreed Anouar Boukhars, assistant professor of international relations at McDaniel College and visiting fellow at the Brookings Institute, Doha.

The Algerian Salafist Group for Preaching and Combat (GSPC in French), officially became AQIM in January 2007. But since 9/11 the GSPC and now AQIM have implanted bases and transnational pipelines across North Africa and is responsible, along with local militant groups, for some 890 attacks in Algeria and hundreds of attacks elsewhere in North Africa, according to terrorism scholar Yonah Alexander, director of The Potomac Institute for Policy Studies in Arlington, Va.

Links between the two organizations date to a 2005 attack on a military base in Mauritania, said Arnaud de Borchgrave, director of the Transnational Threats Project of CSIS. Polisario vehicles were allegedly used in the attack and some attackers spoke the Hassani dialect of Western Sahara, said de Borchgrave.

Polisario camp residents are Saharan refugees of the Western Sahara war between Morocco, Algeria and the Polisario in the late 1970s. They and their descendants rely completely on outside aid for food and water, infrastructure and health care. Supplies are sporadic. The European Union Anti-Fraud Office has documented Polisario misuse and trafficking of aid sent to the camps by the United Nations and other groups.

Camp residents are not free to relocate or work, and are not given citizenship or refugee status by the Polisario or Algeria. The government of Morocco confirmed that, in 2010, some 1,500 people escaped the camps for the Moroccan side of Western Sahara. The exact population of the camps is unknown today, as the Polisario has not allowed the United Nations to administer a census of the camps.

Conditions are dismal for Saharans living in Polisario camps. Michael Braun, former U.S. Drug Enforcement Agency chief of operations and intelligence, is concerned that the camps are "a breeding-ground for potential future AQIM recruits." Pham agreed. "These are a resentful, marginalized people who are well-trained militarily." And of course, that resentment and marginalization, a direct by-product of the conflict, is expected to continue absent a political solution between Morocco and the Polisario.

Discontent among youth is evident elsewhere in Western Sahara. In November, violence erupted outside the Moroccan-administered town of Laayoune, where armed militants killed 11 Moroccan police officers after Morocco's dismantling of a protest camp. The two-week demonstration against Moroccan favoritism of returnees from camps in Algeria turned violent when Sahrawi militants overtook the camp and attacked Moroccan security forces.

Some Polisario members and youth first joined al-Qaeda in response to Bin Laden's call for Arab fighters in Afghanistan, said de Borchgrave. In Dakhla, Western Sahara, escapees from Polisario camps said recently that young men, in addition to receiving military training, are typically sent from the camps to study in Algerian universities. While at universities in Algeria, Libya and even Syria, these youth are influenced by jihadist ideology during their years of study, said Claude Monique of ESISC.

Polisario authorities deny any connection with AQIM. Emhamed Khadad, a Polisario leader and spokesperson, said that camp residents have no reason to join with AQIM. "This is not Somalia or Afghanistan," he said. "We are well-organized, secular and interested in peace."

However, the movement's failed campaign for independence is decades-old and loyalty among Polisario leadership is faltering. "Sahrawi youth," said Boukhars of McDaniel's College, "are growing increasingly disenchanted with their leadership's passivity and inability to fulfill their nationalist aspirations."

Morocco's leaders in Western Sahara are convinced of the connection between the Polisario's treatment of refugees and the increase of trafficking and terrorism. "We condemn the Polisario's treatment of people in the Tindouf camps," said Abdeslam Azelhad, assistant to the regional governor of Western Sahara. "We do not want to become like Mali and Mauritania, which are nests of terrorism."

Of course, critics of Morocco's occupation may look askance at Moroccan government claims concerning the welfare of Saharan refugees and this would not be the first conflict where refugees are used as a political football by competing power centers.

All parties to the dispute over Western Sahara -- Algeria, the Polisario and Morocco -- have been accused of human rights abuses against prisoners and detainees. The Polisario has accused Morocco of abusing Sahrawi captives following the recent incident in Laayoune.

Aziz Mekouar, Moroccan Ambassador to the US noted, "If the countries of the region transcend their differences, this will enable them to address these challenges to stop AQIM, and also to foster economic integration to create more jobs and prosperity for their people." The government of Algeria declined comment for this article, referring calls to a Polisario representative in Washington, D.C. Advocates of the Polisario argue that economic improvements are not the issue as much as the question of political rights.

Most critically, U.N.-led negotiations over Western Sahara remain at an impasse for the immediate future. Meanwhile, al-Qaeda's operations continue in the Maghreb and Sahel regions.

Alison Lake is a staff writer for the Washington Post.